

Ernie Fletcher
Governor

Teresa J. Hill
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Environmental Quality Commission

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January 31, 2007

My fellow Kentuckians,

During the Environmental Quality Commission's (EQC) November 13, 2007 meeting on the topic of *Human Health and the Environment*, citizens expressed concerns regarding three issues.

1. **Superfund Program Funding** – Continued funding for the Division of Waste Management's Superfund Program will be requested from the Legislature during the 2008 legislative session. The EQC recognizes that as this program is responsible for cleanup of sites impacted by the release of hazardous substances, financial support is critical to protecting Kentucky's human health and the environment. Therefore, the EQC submitted a letter of support to Teresa J. Hill, secretary of the Environmental and Public Protection Cabinet on behalf of the Division of Waste Management (letter and response attached).
2. **Requirement for Adequate Back-up Power Systems of Air Emission Sources** - According to Donald Newell, the branch manager of the Division for Air Quality's Permit Review Branch, statutory requirements do not provide a clear definition of what constitutes an adequate back-up system. However, keeping back-up systems up to date is in each company's best interest. According to 401 KAR 50:055, a source can be subject to discipline by the Division for Air Quality if it is determined that a release happened due to improper maintenance or operation of the facility. Citizens can determine if a company has been subject to disciplinary action(s) by requesting the information through the guidelines set out by the Kentucky Open Records Act (KRS 61.870).
3. **Emergency Response Requirements of the Louisville Air Pollution Control District (APCD) to Odor Complaints** - According to Diane Hazellief, a supervisor with the APCD, odor complaints are investigated to the extent practicable based on each complaint. Ms. Hazellief stressed that the APCD is not a first-responder agency. The APCD's responsibilities are more geared toward discovering the cause for an odor after the fact. If a citizen has a complaint of an odor that he or she feels poses a health risk, that citizen should call 9-1-1 or the commonwealth's Emergency Response Team (1-800-928-2380), as those agencies are first-responders, equipped to deal with spills and releases.

The Environmental Quality Commission is pleased to address these concerns of citizens of the commonwealth. Please contact us with additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott Smith".

Scott Smith, Chair
Environmental Quality Commission

